



ADMINISTRATION • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1700

September 26, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

Re: Accelerating Wireline Broadband Deployment by Removing Barriers
to Infrastructure Investment, WC Docket No. 17-84
Accelerating Wireless Broadband Deployment by Removing Barriers
to Infrastructure Investment, WT Docket No. 17-79

Dear Ms. Dortch:

The City of Hudson, Ohio, writes to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment. The City of Hudson has worked very hard for many years to create and maintain attractive, vibrant neighborhoods and business districts.

Hudson understands and acknowledges the importance of facilitating deployment of advanced wireless communications. But, Hudson is deeply concerned about several provisions of this current proposal. Hudson has an important responsibility to protect its residents' health, safety, and welfare and is concerned that this proposal, if adopted, would compromise its ability to do so.

In addition, the proposal is not consistent with Ohio Revised Code Chapter 4939, Ohio's Right of Way Management statute, very recently revised to include specific, detailed small cell wireless deployment provisions which took effect on August 1, 2018. Ohio H.B. 478, which modified Chapter 4939 to insert these small cell provisions, followed extensive negotiations involving the wireless carriers and Ohio municipalities. Industry representatives met many times with the Ohio Municipal League and a number of municipalities and their representatives to balance the industry's need for clear, predictable and reasonable rules for deployment with the municipalities' need to properly manage the public right of way, protect the public health, safety and welfare, and create and maintain attractive communities.

Since the adoption of H.B. 478, Hudson and many other Ohio cities have implemented small cell wireless ordinances, or updated their right of way ordinances, in accordance with the new law. Ohio wireless providers and municipalities have expressed their intention to work

collaboratively under these new rules. The FCC's proposal would essentially discard this new regulatory framework.

In particular, the following issues are problematic for Hudson:

- The proposed new small cell shot clocks are too extreme. The proposal designates any preexisting structure, regardless of design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. If adopted, municipalities will be materially impaired in their efforts to protect against historic preservation, environmental, or safety harms.
- The proposal to allow an unlimited number of applications to be filed in a batch with no change in the processing time shot clock is unreasonable. Absent tolling, cities could be forced to hire new or temporary employees to comply – but tolling is entirely left up to the applicant under the proposal. Processing small cell wireless applications is only a small part of a city's responsibilities to residents, and no city should be forced to choose between properly reviewing such applications and incurring additional costs.
- The proposal to allow poles as tall as fifty (50) feet exceeds the height allowed under the new small cell provisions of Ohio Revised Code Chapter 4939, where the industry agreed to a limit of forty (40) feet above grade generally, and as low as thirty-five (35) feet under particular circumstances. These lower limits better respect the character and aesthetics of neighborhoods in communities like Hudson.
- The proposal's analogies to other types of wireless siting applications with respect to timing issues ignores the reality that small cell wireless facilities are going to be deployed in far, far greater numbers than traditional wireless facilities. It is inappropriate to require that local governments simply open their rights-of-way, which they are charged with managing for the benefit of their citizens, for use by for-profit entities to install thousands of small cell facilities, wherever the entity wishes.

As stated, Hudson recognizes the importance of advanced wireless communications. But the recent changes in Ohio law negotiated with the wireless industry strike a better balance between the needs of the wireless communication providers and those of municipalities charged with protecting their communities and residents. Hudson opposes the proposal as an effort to restrict local authority, which will impair its ability to serve its residents, and urges you to oppose the proposal.

Respectfully submitted,



Jane Howington
City Manager

cc: Matthew Vazzana, City Solicitor